



### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **TRANSPONON TAGGING AND GENE DELIVERY IN SMALL GRAIN CEREALS**, the specification of which \_\_\_\_ is attached hereto or X was filed on August 27, 1999 as Application No. 09/384,811 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/098,221	August 28, 1998




I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

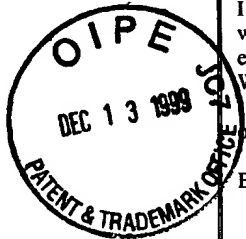
Full Name of Inventor 1:	Last Name: <b>PEGGY</b>	First Name: <b>LEMAUX</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Moraga</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>U.S.A.</b>	
Post Office Address:	Post Office Address: <b>253 Corliss Drive</b>	City: <b>Moraga</b>	State/Country: <b>California</b>	Postal Code: <b>94566</b>
Full Name of Inventor 2:	Last Name: <b>MCELROY</b>	First Name: <b>DAVID</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>North Stonington</b>	State/Foreign Country: <b>Connecticut</b>	Country of Citizenship: <b>Scotland</b>	
Post Office Address:	Post Office Address: <b>322 Northwest Corner Road</b>	City: <b>North Stonington</b>	State/Country: <b>Connecticut</b>	Postal Code: <b>06369</b>

Full Name of Inventor 3:	Last Name: <b>KOPREK</b>	First Name: <b>THOMAS</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Pleasant Hill</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Germany</b>	
Post Office Address:	Post Office Address: <b>827 Camelback Place</b>	City: <b>Pleasant Hill</b>	State/Country: <b>California</b>	Postal Code: <b>94523</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  PEGGY W. MAUX	Signature of Inventor 2  DAVID MCELROY	Signature of Inventor 3  THOMAS KOPREK
Date 11/16/99	Date 11/29/99	Date 11/16/99

SF 1043632 v1



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

On

By

*7 Dec. 1999*

*Malinda Edgert*

PATENT

Attorney Docket No. 18941-000710US  
UC Case No. B99-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PEGGY LEMAUX, DAVID McELROY  
and THOMAS KOPREK

Serial No.: 09/384,811

Filed: August 27, 1999

For: TRANSPOSON TAGGING AND  
GENE DELIVERY IN SMALL  
GRAIN CEREALS

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; Gregory P. Einhorn, Reg. No. 38,440; M. Henry Heines, Reg. No. 28,219; Laurence J. Hyman, Reg. No. 35,551; Jeffry S. Mann, Reg. No. 42,837; Annette S. Parent, Reg. No. 42,058; Timothy L. Smith, Reg. No. 35,367; William M. Smith, Reg. No. 30,223; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber,

Reg. No. 31,677; all of the firm of Townsend and Townsend and Crew LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on \_\_\_\_\_ at reel/frame  
\_\_\_\_\_/\_\_\_\_\_.

☒ is being concurrently submitted under separate cover to Attn: Box  
Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Kevin L. Bastian and all correspondence  
relative to said application to the following address:

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834

ASSIGNEE:

THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

Signature:



Typed Name:

William A. Hoskins

Title:

Director

~~Office of Technology Transfer~~ Office of Tech. Licen.  
~~1111 Franklin Street, 12th Floor~~ 2150 Shattuck Ave.  
~~Oakland, CA 94607-5200~~ Suite 510  
Berkeley, CA 94720-1620

Dated: Nov 16, 1999

William A. Hoskins  
Director, Office of Technology Licensing



Attorney Docket No. 18941-000710US  
Client Ref. No. B99-017

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Peggy Lemaux, David McElroy and Thomas Koprek

Application No.: 09/384,811

Filed: August 27, 1999

For: TRANSPONSON TAGGING AND GENE DELIVERY IN SMALL GRAIN CEREALS

The Regents of the University of California, a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Nov 16, 1999  
Name: William A. Hoskins  
Title: Director, Office of Technology Licensing  
Signature: [Signature]